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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,610	12/14/2001	John Dany Ah Sue	CSCO-014/5132	2043

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EXAMINER

NGUYEN, VAN KIM T .

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,610

Applicant(s)

AH SUE, JOHN DANY

Examiner

Van Kim T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10, 12-15, and 17-20 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 11, 16, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date February 07, 2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burwell et al (US 5,818,842), hereinafter Burwell.

Regarding claims 1-2, 8, 12-13, and 17-18, as shown in Figures 1-18, Burwell discloses an apparatus comprising:

a memory (5) designed to provide the segment identifier for transmitting data from the device (col. 6: lines 14-19);

a loopback generator (50, 52) generating a loopback packet (OAM cell) using a possible segment identifier (e.g., VCI/VPI) in a header of the loopback packet (col. 6: lines 14-19, lines 32-44);

a port interface (6,7) coupled to the network, the port interface for sending the loopback packet on the network, the port interface receiving another packet from the network (col. 9: lines 7-42);

a parser (4, 42, 44, 48) coupled to the port interface (col. 4: lines 39-65; col. 5: lines 25-57; col. 11: lines 17-55; and col. 12: lines 34-57).

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a configuration block (29, 40, 41, 43) for storing the possible segment identifier as the segment identifier in the memory (col. 11: line 50 – col. 12: line 28; and col. 14: line 64 – col. 15: line 2).

Regarding claims 3-4, 9-10, 14-15, and 19-20, Burwell also discloses the loopback packet comprises an ATM OAM cell and the segment identifier comprises a VPI/VCI (col. 6: lines 14-65, esp. lines 32-44)

Regarding claim 5, Burwell also discloses the device (1) comprises a customer premise equipment (col. 6: lines 6-7), and wherein the another device (6-14, col. 4: lines 31-38; col. 7: lines 24-34) comprises an edge router (9), and wherein the OAM cell is either a segment loopback cell or an end-to-end loopback cell (col. 6: lines 52-54).

Though Burwell does not explicitly call for the parser to examine the received packet to determine whether it is received in response to the sending of the loopback packet, but since Burwell's ATM network modeled as a distributed router which shares topology and reachability information with external routing peers, it would have been obvious to one of ordinary skill in the art at the time the invention was made router 4 can be used to identify the another received packet's source, destination, and whether it is received in response to the sending of the loopback packet, motivated by the need of maintaining intelligence about the topology of the network.

Allowable Subject Matter

2. Claims 6-7, 11, 16, and 21-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is an examiner's statement of reasons for allowance:

Claims are considered allowable when reading the claims none of the references of record alone or in combination, in light of the specification, disclose or suggest the combination limitations specified in the independent claims including receiving another packet from a user system; segmenting the another packet into a plurality of payloads; and encapsulating the plurality of payloads into a corresponding plurality of ATM cells using a header containing the possible segment identifiers stored in the memory.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Van Kim T. Nguyen
Examiner
Art Unit 2661

vkn



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